

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6839

BILL NUMBER: HB 1189

NOTE PREPARED: Dec 29, 2009

BILL AMENDED:

SUBJECT: Child Trafficking.

FIRST AUTHOR: Rep. DeLaney

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes it a Class B felony for a person to recruit, harbor, or transport another person who is less than 18 years of age to engage the other person in forced labor or involuntary servitude or to force the other person into marriage or prostitution.

The bill also makes it a Class A felony for any person who is at least 18 years of age to sell or transfer custody of a child for the purpose of prostitution. (Under current law, the Class A felony of selling or transferring custody of a child for the purpose of prostitution can be committed only by a parent, guardian, or custodian of the child.)

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Child Trafficking:* There are no data available to indicate how many offenders may be convicted of child trafficking, a Class B felony, or if additional offenders will be convicted of child trafficking, a Class A felony, if the potential pool of offenders is increased.

Depending on the mitigating and aggravating circumstances, a Class B felony is punishable by a prison term ranging from 6 to 20 years and a Class A felony is punishable by a prison term ranging from 20 to 50 years. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in Department of Correction (DOC) facilities for all Class B felony offenders is approximately 3.7 years, and the average length of stay in DOC facilities for all Class A felony offenders is approximately

9.1 years.

Sex Offender Registry: The DOC maintains the Sex and Violent Offender Registry which includes posting information about the registered offender's home address and place of employment or school. Additionally, the DOC notifies local law enforcement when an offender who must register is nearing release from a DOC facility or program. If more offenders are included in the registry, administrative costs could increase. The fiscal impact will depend on the number of additional offenders.

Explanation of State Revenues: *Child Trafficking:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B or a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Child Trafficking:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Sex Offender Registry: To verify a sex or violent offender's address, local law enforcement must mail a form, approved by the DOC, to the registered sex or violent offender's listed address once a year. If additional offenders are included in the register, additional costs may be incurred.

Explanation of Local Revenues: *Child Trafficking:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC.

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